

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 183

Case No. 77-4

October 13, 1977

Pursuant to notice a public hearing was held by the District of Columbia Zoning Commission on July 18, 1977, to consider an amendment to the Zoning Map of the District of Columbia, initiated by the Zoning Commission.

FINDINGS OF FACT

1. The proposed map change is from C-1 to R-5-A for lots 828 and 829 in square 5920, located in the 1000 block of Wahler Place, S.E., comprising approximately 14,500 square feet. The C-1 District permits neighborhood shopping uses with a maximum of 1.0 FAR (0.9 FAR for residential use with 40% lot occupancy), and a three story/40 foot height limit. The R-5-A District permits low density apartment use with a maximum of 0.9 FAR, and a three story/40 foot height limit.

2. At its public meeting on June 9, 1977, the Zoning Commission waived the Rules of Practice and Procedure to permit a 38 day public hearing notice in the D.C. Register in lieu of a 40 day notice requirement.

3. The site of the proposed amendment is owned by the U.S. Department of Housing and Urban Development (HUD), and is a part of partially vacant and boarded-up housing development known as Sky Towers.

4. The site is at the eastern end of an existing C-1 District which is located at the intersection of Wahler Place and Wheeler Road, S.E., in the midst of a large tract of R-5-A zoning.

5. The site is vacant, generally level, and free of significant vegetation. It is bordered by Sky Towers to the northwest, north, northeast, and east, by the Highpoint Barnaby townhouse development to the east and southeast, by lot #1 in square 5921, the subject of a related map amendment also

being considered by the Commission (Case No. 77-1) to the southwest, and one small vacant commercial structure to the west.

6. The Municipal Planning Office, by report dated June 6, 1977, and by testimony presented at the public hearing, recommended that the Zoning Commission grant this amendment to the Zoning Map because it would serve to compliment case 77-1 (Map Amendment from R-5-A to C-1 at Barnaby Terrace and Wheeler Road, S.E.) by providing for an increase in residential zoning to balance the decrease proposed in case 77-1.

7. The Department of Housing and Community Development (DHCD), by report dated July 13, 1977 and by testimony presented at the public hearing, requested the Zoning Commission to withdraw its consideration of this amendment to the Zoning Map. The DHCD is negotiating with HUD to acquire and rehabilitate Sky Towers and to use the subject site to construct an administrative office and storage facility for Sky Towers. Such a use is more appropriate for a C-1 District than for R-5-A.

8. Advisory Neighborhood Commission 8C took no position regarding this amendment to the Zoning Map.

CONCLUSIONS OF LAW

1. The proposed rezoning would restrict the use of the property unnecessarily and would be contrary to the proposed use and development of the site by a public agency.

2. The change of zone to R-5-A would not promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

3. The proposed change would not be consistent with the purpose of the Zoning Act (Act of June 20, 1938, 52 Stat. 797), in that it would not promote a favorable distribution of land uses.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission orders DENIAL of the following amendment to the Zoning Map:

Change from C-1 to R-5-A lots 828 and 829 in square 5920 located in the 1000 block of Wahler Place, S.E.

Vote of the Commission taken at the Public meeting of September 8, 1977: 4-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, and 'Ruby B. McZier, to deny; George M. White, not present not voting).



THEODORE F. MARIANI
CHAIRMAN



STEVEN E. SHER
EXECUTIVE DIRECTOR

This Order was adopted by the Zoning Commission at its public meeting held on October 13, 1977, by a Vote of 5-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, Ruby B. McZier and George M. White to ADOPT).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this Order is effective on 14 OCT 1977.